

B1 TPC 3625

TRANSMITTAL LETTER (General - Patent Pending)				Docket No. 98-120	
In Re Application Of: WALKER et al.					
Application No. 09/348,566	Filing Date July 7, 1999	Examiner James H. Zurita	Customer No. 22927	Group Art Unit 3625	Confirmation No. 5411
Title: SETTLEMENT SYSTEMS AND METHODS WHEREIN A BUYER TAKES POSSESSION AT A RETAILER OF A PRODUCT PURCHASED USING A COMMUNICATION NETWORK					
COMMISSIONER FOR PATENTS:					
<p>Transmitted herewith is:</p> <p>Supplemental Information Disclosure Statement (5 pp.); PTO Form-1449 (6 pp.) and references cited therein (51); and Return Receipt Postcard.</p> <p>in the above identified application.</p> <p><input type="checkbox"/> No additional fee is required.</p> <p><input type="checkbox"/> A check in the amount of _____ is attached.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 50-0271 as described below.</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Charge the amount of \$180.00</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Credit any overpayment.</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Charge any additional fee required.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"><div style="width: 45%;"><p><u>Michael Downs</u> Signature</p><p>Michael D. Downs Attorney for Applicants PTO Registration No. 50,252 (203) 461-7292/phone (203) 461-7300/fax Mdowns@walkerdigital.com</p><p>CUSTOMER NO. 22927</p><p>CC:</p></div><div style="width: 45%; text-align: right;"><p>Dated: July 20, 2005</p></div></div>					
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</p> <p style="text-align: center;">July 20, 2005 (Date)</p> <p style="text-align: center;"><u>Mike Brinton</u> Signature of Person Mailing Correspondence</p> <p style="text-align: center;">Michael D. Brinton Typed or Printed Name of Person Mailing Correspondence</p>					

A circular black ink stamp from the Office of Intellectual Property (OIP). The text "OIP" is at the top, "JUL 22 2005" is in the center, and "PATENT & TRADEMARK OFFICE" is at the bottom.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

) Examiner: James H. Zurita

) Group Art Unit: 3625

Attorney Docket No: 98-120

CUSTOMER NO.: 22927

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Michael D. Brinton

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

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is, or is considered to be, material to patentability; (iii) an admission that no other material information exists; or (iv) an admission that Applicants agree with any statement(s) in the information cited. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. ☐ Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.
2. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____.
3. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

- ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
- ☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.
- ☐ 37 CFR §1.97(b)(4), before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
5. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 10 below.
7. ☒ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and

- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 10 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
- ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
9. ☒ I hereby certify:
- ☐ that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
- ☒ that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. [X] Please accept payment of the fees due as indicated below:

[] A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).


[X] The Commissioner is hereby authorized to charge \$180.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p).

11. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.


12. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed concurrently with a Request for Continued Examination.

Respectfully submitted,

July 20, 2005
Date



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INFORMATION DISCLOSURE CITATION 				Docket Number 98-120		Serial Number 09/348,566	
				Applicants WALKER et al.			
				Filing Date July 7, 1999		Group Art Unit 3625	

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No
	D	JP6035946	02/10/94	Japan (Abstract)				
	E	JP7078274	03/20/95	Japan (Abstract)				
	F	JP7272012	10/20/95	Japan (Abstract)				
	G	JP8221484	08/30/96	Japan (Abstract)				
	H	JP9097288	04/08/97	Japan (Abstract)				
	I	WO 97/25684	07/17/97	PCT				

OTHER DOCUMENTS <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>		

EXAMINER	DATE CONSIDERED:
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**INFORMATION DISCLOSURE CITATION**

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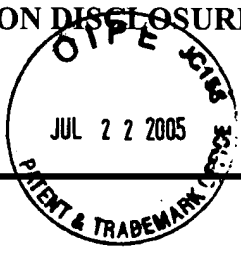
J	Stigler, George J., "The Theory of Price", The Macmillan Company, Copyright 1952, pp. 82-94, 214-221.
K	Bowman, Jr., Ward S., "Tying Arrangements and the Leverage Problem", The Yale Law Journal, November 1957, Vol. 67, No. 1, pp. 19-36.
L	Stigler, George J., "The Theory of Price", The Macmillan Company, Third Edition, Copyright 1966, pp. 82-94, 208-215.
M	Narasimhan, Chakravarthi, "A Price Discrimination Theory of Coupons", Marketing Science, Spring 1984, Vol. 3, No. 2, pp. 128- 147.
N	"Woodside Management Systems Inc. today announced...", PR Newswire, April 1, 1986.
O	Godwin, Nadine, "Agency, funded by 3M, set to market software; Travelmation touts trip planner to corporations; designed to eliminate client-agent telephone calls; Business Travel Update", Travel Weekly, October 13, 1986, Section: Vol. 45, pg. 45, ISSN: 0041-2082.
P	Godwin, Nadine, "Agency dares to launch its own air res system; Travelmation system provides greater versatility, Automation Report", Travel Weekly, October 23, 1986.
Q	"Thomas Cook Travel U.S.A. has announced...", PR Newswire, January 12, 1987.
R	Bawa, Kapil et al., "The Coupon-Prone Consumer: some Findings Based on Purchase Behavior Across Product Classes", Journal of Marketing, October 1987, Vol. 51, pp. 99-110.
S	Nomani Sr., A., "Air Crashes Stir Signs of Anxiety in Travelers", Wall Street Journal, August 1, 1989, Section 2, pg. 1, Col. 1.
T	Carlsen, Clifford, "From Airline Tickets to Human Organs, the Electronic Markets are Booming", San Francisco Business Times, August 14, 1989, Section: Vol. 3, No. 50, Section 1, pg. 17.
U	Golden, Fran, "AAL's Riga doubts Marketel's appeal to retailers", Travel Weekly, November 13, 1989, Section: Vol. 48, No. 91, pg. 4, ISSN: 0041-2082.
V	"Letters to BusinessExtra", The San Francisco Chronicle, December 26, 1989, Section: Business, C7.

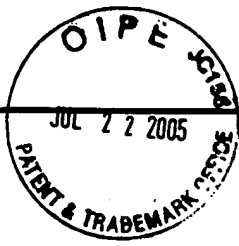
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OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)				
W		Wallace, David, "Company Planning to Let Flyers bid on Airfares", Philadelphia Business Journal, March 26, 1990, Section: Vol. 9, No. 3, Section 1, pg. 15.		
X		Greenberg, Peter S., "The Savvy Traveler: Lower Air Fares For Consumers Not in the Cards..." Los Angeles Times, July 8, 1990, Section: Travel, Part L, pg. 2, Col. 1, Travel Peak.		
Y		Carey, Christopher, "Firm Offers Auction for Airline Tickets", St. Louis Post-Dispatch, August 7, 1991, Section: Business, pg. 1B.		
Z		Pelline, Jeff, "Travelers Bidding on Airline Tickets SF firm offers chance for cut-rate fares", The San Francisco Chronicle, August 19, 1991, Section: News, pg. A4.		
AA		Upton, Kim, "News and Briefs: French Say Monoliths Off-Limits to Visitors", Los Angeles Times, August 25, 1991, Section: Travel, Part L, pg. 4, Col. 1, Travel Desk.		
BB		"Bookit Airfare Bidding System (Fax for Your Plane Ticket?)", Consumer Reports Travel Letter, September 1991, Section: Vol. 7, No. 9, pp. 97, 106.		
CC		Nelson, Janet, "Practical Traveler; Airlines Relaxing Policy On No-Refund Tickets", The New York Times, September 22, 1991, Section 5, pg. 3, Col. 1, Travel Desk.		
DD		"Traveler's Notes; Easier Airfare Bidding.", Consumer Reports Travel Letter, October 1991, Section: Vol. 7, No. 10, pg. 119.		
EE		"Buy Low, Fly High", USA Today, November 14, 1991, Section: Bonus, pg. 15.		
FF		Feldman, Joan M., "To rein in those CRSs; computer reservation systems" Air Transport World, December 1991, Section: Vol. 28, No. 12, pg. 89, ISSN: 0002-2543.		
GG		"Traveler's Notes; Bookit Report", Consumers Reports Travel Letter, December 1991, Section: Vol. 7, No. 12, pg. 143.		
HH		"CRTL's Blue Ribbon Deals for 1992", Consumer Reports Travel Letter, January 1992, Section: Vol. 8, No. 1, pp. 3-5.		
II		"Newsletters", The Atlanta Journal and Constitution, March 1, 1992, Section: Travel: Section K, pg. 13.		
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JJ	Del Rosso, Laura, "Ticket-bidding firm closes its doors, Marketel International", Travel Weekly, March 12, 1992, Section: Vol. 51, No. 21, pg. 1, ISSN: 0041-2082.		
KK	Hainer, Cathy et al., "Where vacationing kids get good care", USA Today, April 1, 1992, Section: Life, pg. 4D.		
LL	Feldman, Joan M., "Reclaiming control; new software to close gap between projected and actual revenues", August 1995, Section: Vol. 32, No. 8, pg. 35, ISSN: 0002-2543.		
MM	United States v. Eastman Kodak Co., United States Court of Appeals for the Second Circuit, Docket No.: 97-6190, decided August 4, 1995.		
NN	Prentice, Michael, "Searching for the lowest fare: Getting the lowest fare takes work, but it's worth the effort", The Ottawa Citizen, October 9, 1996, Section: Citylife; Consuming Passion, pg. C3.		
OO	"Auctioning unsold airline tickets", Insight (USA), download date: October 29, 1996.		
PP	"Web Ventures presents Bookit!", (http://www.webventures.com/bookit/), download date: December 2, 1996.		
QQ	"Salomon Brother's Maldutis Says Internet is Aviation's 'Third Revolution;' Will Earn Billions", World Airline News, March 21, 1997, Section: Vol. 7, No. 12.		
RR	Feldman, Joan M., "Pricing and cybersales; Internet airline ticket sales and reservations", February 1998, Section: No. 2, Vol. 35, pg. 64, ISSN: 0002-2543.		
SS	"A Personal Information Manager For the Web Savvy Consumer.", (http://www.killerapp.com/html/main/pr0004.html), October 2, 1998.		
TT	"Airfare Bargains on the Net: About E-mail Lists", (http://travel.epicurious.com/travel/c_planning/02_airfares/email/intro.html), download date: October 5, 1998.		
UU	"Airtech - FlightPass Faq", (http://www.airtech.com/at_flightpass/at_faqflightpass.htm), download date: October 5, 1998.		
VV	"Travel Industry Bellwether for All Commerce Players", Jupiter Communications, Copyright 1999, Jupiter Strategic Planning Services.		
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WW

"Chakravarthi Narasimhan", (<http://www.olin.wustl.edu/faculty/narasimhan/>), download date: July 1, 1999.

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Varian, Hal R., "First Monday: Differential Pricing and Efficiency", (<http://www.firstmonday.dk/issues/issue2/different/>), download date: July 1, 1999.

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"Pricing Strategy and Tactics", (<http://www.Vanderbilt.edu/econ/reiley/ba250/outlines/21.html>), download date: July 1, 1999.

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